

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : INFORMATION

-v- : S1 08 Cr. 1144 (WHP)

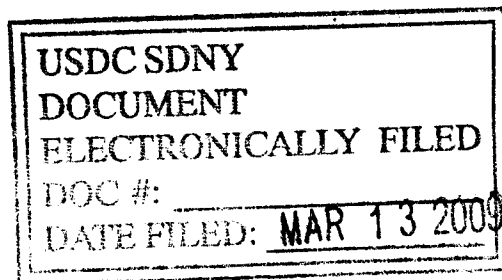
FERNANDO DELGADO, :

Defendant. :

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COUNT ONE

The United States Attorney charges:



1. From in or about early 2007, up to and including in or about November 2008, in the Southern District of New York and elsewhere, FERNANDO DELGADO, the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of said conspiracy that FERNANDO DELGADO, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

3. It was a further part and object of said conspiracy that FERNANDO DELGADO, the defendant, and others known and unknown, would and did distribute and possess with intent to

distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

Overt Act

4. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about November 4, 2008, FERNANDO DELGADO, the defendant, and others known and unknown, met in the vicinity of a McDonald's restaurant parking lot in Bronx, New York for the purpose of distributing approximately 230 kilograms of cocaine.

(Title 21, United States Code, Section 846.)

COUNT TWO

The United States Attorney further charges:

5. In or about 2008, in the Southern District of New York and elsewhere, FERNANDO DELGADO, the defendant, unlawfully, willfully, and knowingly, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Information, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid

and abet the use, carrying, and possession of a firearm, which was brandished during the narcotics conspiracy referenced in Count One.

(Title 18, United States Code, Section 924(c)(1)(A)(ii) and 2.)

FORFEITURE ALLEGATIONS

6. As a result of committing the controlled substance offense alleged in Count One of this Information, FERNANDO DELGADO, the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the narcotics violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the narcotics violation alleged in Count One of the Information.

7. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which
cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C.
§ 853(p), to seek forfeiture of any other property of the
defendants up to the value of the above forfeitable property.

(Title 21, United States Code,
Sections 841(a)(1), 846, and 853.)



LEV L. DASSIN
Acting United States Attorney